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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/47/678/Add.2)]

47/141. Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 3/ and the Additional Protocols thereto, of 1977, 4/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

4/ Ibid., vol. 1125, Nos. 17512 and 17513.

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its resolution 46/136 of 17 December 1991 and all its other relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Taking note in particular of Commission of Human Rights resolution 1992/68 of 4 March 1992, 5/ in which the Commission decided to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly at its forty-seventh sessionon the situation of human rights in Afghanistan, and of Economic and Social Council decision 1992/240 of 20 July 1992, in which the Council approved the decision of the Commission,

Noting that, following the demise of the former Afghan Government, a transitional Islamic State of Afghanistan was established on the basis of the Peshawar Accord concluded by resistance parties on 24 April 1992, 6/

Noting with deep concern that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation, which is affecting mainly the civilian population, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and much remains to be done for the treatment of prisoners in conformity with the provisions of the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto, of 1977,

Concerned that the prevailing uncertainty in the country over political and legal order may affect the situation of members of ethnic and religious minorities,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, such as the right to life, liberty, personal security and freedom of opinion, expression and association,

Concerned that neither the International Committee of the Red Cross nor the Special Rapporteur was able to visit prisoners who were associated with the former Government,

Welcoming the fact that over one million refugees have returned to Afghanistan since April 1992, and hoping that conditions in Afghanistan will allow those still in exile to return as soon as possible,

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5/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

6/ A/47/656, annex, appendix I.

Aware that peace and security in Afghanistan are prerequisites for the succesful repatriation of more than four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of the minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Welcoming the declaration of general amnesty issued by the Islamic State of Afghanistan, which should be applied in a strictly non-discriminatory manner,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan 7/ and of the conclusions and recommendations contained therein,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan, in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to increase their efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and fair elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of the more than four million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls upon all Afghan parties to respect human rights;

5. Urges all the Afghan parties to respect accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, to halt the use of weapons against the

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7/ A/47/656, annex.

civilian population, to protect all prisoners from acts of reprisal and violence, including ill-treatment, torture and summary executions, to transmit to the International Committee of the Red Cross the names of all prisoners, to expedite the exchange of prisoners wherever they may be held and to grant to the Committee unrestricted access to all parts of the country and the right to visit all prisoners in accordance with its established criteria;

6. Calls upon all States and parties concerned to make all efforts for the realization of its decision 47/428 of 16 December 1992 entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the release, as soon as possible, of all prisoners of war as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, 8/ considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended;

7. Requests that the International Committee of the Red Cross be given full access to all prisoners by the warring factions;

8. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared, to apply amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, 9/ adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected/convicted persons article 14, paragraphs 3 (d) and 5 to 7 of the International Covenant on Civil and Political Rights; 2/

9. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;

10. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully, especially on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

11. Also urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

12. Urges all Afghan parties to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees;

8/ United Nations, Treaty Series, vol. 75, No. 972.

9/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

13. Urges the authorities in Afghanistan to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

14. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

15. Decides to keep under consideration, during its forty-eighth session, the situation of human rights in Afghanistan in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

92nd plenary memeting
18 December 1992